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FILED

SEP 11 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA, ) No. CR 3-13-70956  
13 Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
14 v. ) DOCUMENTING WAIVER OF TIME  
15 GREGORY KITTLING, ) UNDER RULE 5.1 AND EXCLUSION OF  
16 Defendant. ) TIME UNDER THE SPEEDY TRIAL ACT  
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19 The parties appeared before the Court in this matter on September 4, 2013 for detention  
20 hearing. Assistant United States Attorney Damali Taylor appeared on behalf of the United  
21 States. John Forsyth, Esquire, appeared on behalf of the defendant, GREGORY KITTLING,  
22 who was present and in custody.

23 On that date, the defense requested that the detention hearing be continued until  
24 September 18, 2013 so that the defense may gather evidence to submit to the Court and the  
25 government that may impact the issue of detention. The government also indicated that it is in  
26 the process of providing discovery to defense counsel. The parties further requested that, given  
27 the need to gather and examine discovery, time continue to be excluded under Rule 5.1 and the  
28 Speedy Trial Act. Defense counsel represented that additional time is necessary to review the

STIPULATION & [PROPOSED] ORDER  
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1 evidence and investigate the case, and that it is in the best interests of the defendant to do so  
2 before formal charges are filed. The government agreed. The Court found good cause for  
3 extending the time limits under Rule 5.1(d). The matter was continued to September 18, 2013  
4 for the purpose of detention hearing. To date, no time has elapsed under either Rule 5.1 or the  
5 Speedy Trial Act. Accordingly, pursuant to Federal Rule of Criminal Procedure 5.1, the Court is  
6 now required to conduct a preliminary hearing on or before October 2, 2013, unless, *inter alia*,  
7 the defendant, who is in custody, waives the preliminary hearing or is indicted.

8 The government also had no objection to excluding time and the parties stipulated to an  
9 exclusion of time through September 18, 2013. The parties agree that the ends of justice served  
10 by granting such an exclusion of time outweigh the best interests of the public and the defendant  
11 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court made findings consistent with the  
12 parties' agreement.

13

14 SO STIPULATED:

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MELINDA HAAG  
United States Attorney

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DATED: September 9, 2013

/s/  
DAMALI A. TAYLOR  
Assistant United States Attorney

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DATED: September 9, 2013

/s/  
JOHN FORSYTH  
Counsel for the Defendant

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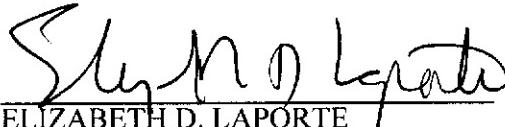
1                   **[PROPOSED] ORDER**

2                   For the foregoing reasons, the Court HEREBY ORDERS that the detention hearing in  
3 this matter is re-set to September 18, 2013, at 9:30 a.m., before the Honorable Elizabeth D.  
4 Laporte. The Court finds that good cause is shown for extending the time limits set forth in  
5 Federal Rule of Criminal Procedure 5.1(c), and, further, concludes that the extension is proper  
6 under Rule 5.1(d) and Title 18, United States Code, Sections 3060 and 3161.

7                   The Court finds that the failure to grant the requested extension would deny counsel the  
8 reasonable time necessary for effective preparation, taking into account the exercise of due  
9 diligence. The Court finds that the ends of justice served by granting the requested extension  
10 outweigh the best interests of the public and the defendant in a speedy trial and in the prompt  
11 disposition of criminal cases. The Court also concludes that an exclusion of time through and  
12 including September 18, 2013, should be made under Title 18, United States Code, Sections  
13 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The Court also finds that the ends of justice served by an  
14 exclusion of time through and including September 18, 2013 outweigh the best interest of the  
15 public and the defendant in a speedy trial. *Id.* § 3161(h)(7)(A).

16                  **IT IS SO ORDERED.**

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18                  Dated: Sept 10, 2013

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ELIZABETH D. LAPORTE  
UNITED STATES MAGISTRATE JUDGE